IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

WP(C).No. 31620 of 2007(S)

PETITIONER:

K.J.MATHEW,
S/O. JOSEPH, AGED 60,
CHETTUTHODE P.O.,
KALAKETTY-686 508,
KOTTAYAM DISTRICT.

BY ADV. SRI.JOHNSON MANAYANI

RESPONDENTS:

1. THE ASSISTANT EXECUTIVE ENGINEER,
   P.W.D., KANJIRAPPALLY.

2. THE EXECUTIVE ENGINEER,
   P.W.D., KOTTAYAM.

3. THE KERALA STATE ELECTRICITY BOARD,
   REP. BY ITS SECRETARY, VYDYUTHI BHAVAN,
   PATTOM, TRIVANDRUM.

4. THE ASST. EXECUTIVE ENGINEER,
   K.S.E.B., KANJIRAPALLY.

5. THE EXECUTIVE ENGINEER,
   K.S.E.B., KANJIRAPALLY.

6. THE STATE OF KERALA, REP. BYITS CHIEF SECRETARY,
   SECRETARIAT, TRIVANDRUM.

BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB
GOVERNMENT PLEADER SRI.M.P.SREEKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

W.P.(C) NO. 31620 OF 2007

Dated this the 31st October, 2007

JUDGMENT

H.L.DATTU, C.J.

A public spirited citizen is before us in this writ petition filed under Article 226 of the Constitution of India. The main grievance of the petitioner is that respondents 3 to 5 in the writ petition are drawing 11 KV lines in Parathodu – Pinakkanadu public road at Pazhuthadom area. It is his further grievance that the pits are dug for installing electric posts very much inside the public road and therefore, it creates grave difficulties to the general public and the installation of electric posts inside the road will obstruct the development and tarring of the road.

2. Making that as a grievance, the petitioner is requesting us to grant the following reliefs:

> "i) issue a writ of mandamus or any other appropriate writs, directions or orders commanding the respondents not to install electric posts and draw electric lines inside the Parathodu-Pinakkanadu public road at Pazhuthottam area.
>
> ii) Issue a writ of mandamus or any other appropriate writs, directions or orders commanding the respondents to enquire into the petitioner's Exts.P2 and P3.
>
> iii) Issue such other orders as are deemed fit and proper in the circumstances of the case."

3. Sri.Johnson Manayani, learned counsel appearing for the petitioner, very fairly has brought to our notice the photographs, Ext.P5.

On a perusal of the photographs so produced by the learned counsel for the petitioner, we can easily make out that the electric posts are installed by respondents 3 to 5 not on the edge of the road or on the middle of the road, but a little far away from the edge of the road. Therefore, in our opinion, the grievance pleaded by the petitioner is not well founded. Therefore, the reliefs sought for in the writ petition cannot be granted by us. Accordingly, the writ petition requires to be rejected and it is rejected.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/